

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): Dunican et al.

Appl. No.: 09

531,266

Series Code ↑

Serial No. ↑

Filed: March 20, 2000

Hon. Commissioner of Patents

Washington, D.C. 20231

Group Art Unit

1652

Examiner:

Steadman, D.

Atty. Dkt.

258100

990228BT

M#

Client Ref

Appl. Title:

NEW NUCLEOTIDE SEQUENCES  
WHICH CODE FOR THE TAL GENECorres. and Mail  
**BOX AF**

RECEIVED

OCT 31 2002

Sir:

**REPLY/AMENDMENT/LETTER**

Date: October 28, 2002

TECH CENTER 1600/2900

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

**FEE REQUIREMENTS FOR CLAIMS AS AMENDED**

1. Small Entity claim

A. ☒ NOT madeB. ☐ WithdrawnC. ☐ made herewithD. ☐ made previously

For B & C  
See **Required**  
**Separate** Paper  
(Pat-256)

| Claims remaining after amendment  | Highest number previously paid for                 | Present Extra  | Large/Small Entity | Additional Fee        | Fee Code Lg/Sm                                      |
|---|--|--|--------------------|-----------------------|---|
| 2. Total Effective Claims   | 69   | **minus 80   | 0                  | x \$18/\$9 = + \$0    | 103/203   |
| 3. Independent Claims   | 7  | ***minus 7   | 0                  | x \$84/\$42 = + \$0   | 102/202   |
| 4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) ..... | add  |  |                    | + \$280/\$140 = + \$0 | 104/204   |
| 5. Original due Date: October 26, 2002  | <input type="checkbox"/> NONE                      |  |                    |                       |   |
| 6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached         | (1 mo)<br>(2 mos)<br>(3 mos)<br>(4 mos)<br>(5 mos) | \$110/\$55 =<br>\$400/\$200 =<br>\$920/\$460 =<br>\$1,440/\$720 =<br>\$1,960/\$980 = | + \$0              |                       | 115/215<br>116/216<br>117/217<br>118/218<br>128/228 |
| 7. Enter any previous extension fee paid since above original due date and subtract   |  |  | - \$0              |                       |   |
| 8.  |  |  | Extension Fee      | + \$0                 |   |
| 9. If Terminal Disclaimer attached, add Rule 20(d) official fee .....   |  |  | + \$110/\$55       | + \$0                 | 148/248   |
| 10. If IDS attached requires Official Fee under Rule 97 (c), .....  | add  |  | + \$180            | + \$0                 | 126   |
| or if Rule 97(d) Request .....  | add  |  | + \$180            |                       | 126   |
| 11. After-Final Request Fee per rules 129(a) and 17(r) .....  |  |  | + \$740/370        | + \$0                 | 146/246   |
| 12. No. of additional inventions for examination per Rule 129(b) .....  |  |  | x \$740/370 ea     | + \$0                 | 149/249   |
| 13. Request for Continued Examination (RCE) .....   |  |  | + \$740/370        | + \$0                 | 1179/1279   |
| 14. Petition fee for .....  |  |  |                    | + \$0                 |   |

15.

TOTAL FEE = \$0

16. \*If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. \*\*If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. \*\*\*If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

**PLEASE CHARGE  
OUR DEP. ACCT**

Our Deposit Account No. 03-3975)

(Our Order No. 21123

C#

M#

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP

Intellectual Property Group

By Atty: Thomas A. Cawley, Jr.

Sig:

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Atty/Sec: TACJ/AMX

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments



Reply Pursuant to 37 C.F.R. § 1.116  
Expedited Procedure  
Group Art Unit 1652

F/17  
10/21/02

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

DUNICAN et al.

Group Art Unit: 1652

Appln. No.: 09/531,266

Examiner: D. STEADMAN

Filed: March 20, 2000

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OCT 31 2002

TECH CENTER 1600/2900

Title: NEW NUCLEOTIDE SEQUENCES WHICH CODE FOR THE TAL GENE

October 28, 2002

\* \* \* \* \*

AMENDMENT PURSUANT TO UNDER 37 C.F.R. § 1.116

Hon. Commissioner of Patents  
Washington, D.C. 20231

Sir:

This is in response to the final official action dated July 26, 2002, wherein the claims were objected to and were variously rejected under 35 U.S.C. §112, first and second paragraphs. This response is timely filed as the date for taking action (without fee) was October 26, 2002.

Prior to further substantive on the merits, please amend the application as follows.

I. AMENDMENT

IN THE CLAIMS

*Please amend claims 17, 18 and 24-26 as follows.*

1 17. (Amended) An isolated DNA consisting essentially of nucleotide sequences encoding a protein having the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4, wherein said protein has transaldolase enzymatic activity.

2 18. (Amended) An isolated DNA consisting of nucleotide sequences encoding a protein having the amino acid sequence of SEQ ID NO:2 or SEQ ID NO:4, wherein said protein has transaldolase enzymatic activity.